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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,867	01/13/2004	Steve Buice	1388-PPA01	3388
27189 7590 11/02/2007 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101			EXAMINER BAYARD, DJENANE M	
			ART UNIT 2141	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com

# Office Action Summary

Application No.

10/756,867

Applicant(s)

BUICE ET AL.

Examiner

Djenane M. Bayard

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2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 5-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application No. 2003/0191816 to Landress et al.

- a. As per claim 1, Landress et al teaches a system and method for creating and delivering customized multimedia communications. Furthermore, Landress et al teaches an apparatus for the creation and exchange of data fields, comprising: a host computer system having a data storage device to store digital image, text, and sound data (See page 5, paragraph [0069]); a customer computer having a user-interface through which a customer can upload digital image, text and sound data to said host computer (See page 4, paragraph [0056], *each user terminal is equipped with a user interface ... any standard browser*); a recipient computer (See page 4, paragraph [0056]); a means for generating one or more message templates having at least one image and at least one data field (See page 2, paragraph [0027, 0029]; and a means for exchanging said message template between said host computer and one or more said recipient

computer (See page 3, paragraph [0032]).

b. As per claim 2, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches wherein the apparatus for the creation and exchange of data fields further comprise: a photo data field having two or more images wherein each said image is displayed in said image field (See page 2, paragraph [0029]).

c. As per claim 3, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches wherein said two or more images are displayed in said image field in sequence (See page 2, paragraph [0030]).

d. As per claim 5, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a Design Choices page for selecting the format for the exchange of data (See page 7, paragraph [0888]).

e. As per claim 6, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches wherein said Design Choices pages includes an option of creating a new template from a selection of templates, or using a previous template (See page 4, paragraph [0052] and page 7, paragraph [0888]).

f. As per claim 7, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a Choose Your Template page from which a template format

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can be selected and shown as a template specimen (See page 2, paragraph [0029]).

g. As per claim 8, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a Template Menu which lists the available templates (See page 2, paragraph [0024 and 0029]).

h. As per claim 9, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a means for resizing photographs to fit the size of said image to said template (See pages 2 and 3, paragraph [0030]).

i. As per claim 10, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches an Insert Text page in which the text for a template header, a footer, main text, and user information is input (See page 2, paragraph [0024 and 00219]).

j. As per claim 11, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches Contact Information page in which the text for a website link button, a website, an E-mail link button, E-mail address and E-Mail subject is input (See page 3, paragraph [0032]).

k. As per claim 12, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches an Insert Text page in which the text for said header and said data fields may be entered (See page 2, paragraph [0018, 0024 and 0029]).

l. As per claim 13, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a Save And Send page in which the current template is saved on the server (See paragraph [0066, 0102 and 0103]).

m. As per claim 14, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a means for uploading a recipient E-mail List containing one or more email addresses for said recipients (See page 3, paragraph [0032]).

n. As per claim 15, Landress et al teaches the claimed invention as described above.

Furthermore, Landress et al teaches a Save Template page in which the user may specify the name of the now-completed template (See page 9, paragraph [0103]).

o. As per claim 16, Landress teaches a method of exchanging data fields comprising the steps of: logging into an apparatus for the creation and exchange of data fields (See page 11, paragraph [0122-0123]; selecting a template from a group of "standard" and "professional" template (See page 2, paragraph [0024 and 0029], page 4, paragraph [0052], page 8, paragraph [0093]); designing a message template (See page 2, paragraph [0018]); creating a data exchange message having one or more data fields and one or more photo fields (See page 2, paragraph [0024 and 0029]); resizing photo images for insertion into said message template (See page, paragraph [0010 and 0030] and page 4, paragraph [0052]; inserting the resized images into the message template (See page 2 [0024 and 0029], page 4, paragraph [0052}); entering text into

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said data field of said data exchange message; entering button and link text (See page 6, paragraph [0079]); saving the message template to memory (See page 9, paragraph [0102]); selecting the recipients of said message template (See page 3, paragraph [0032]); transmitting an E-mail message containing said message template containing said data (See page 3, paragraph [0032])

p. As per claim 17, Landress et al teaches the claimed invention as described above. Furthermore, Landress et al teaches inserting multiple images into said message template (See pages 2 and 3, paragraph [0030]).

q. As per claims 18, Landress et al teaches the claimed invention as described above. Furthermore, Landress et al teaches inserting a personal photo into said message template (See pages 2 and 3, paragraph [0030]).

r. As per claim 19, Landress et al teaches the claimed invention as described above. Furthermore, Landress et al teaches playing sound when said message template is received (See paragraph [0027 and 0083]).

s. As per claim 20, Landress et al teaches the claimed invention as described above. Furthermore, Landress et al teaches storing said message templates a server to be accessed, edited and re-sent at any time (See paragraph [0102 and 0103]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Application No. 2003/0191816 to Landress et al and further in view of U.S. Patent Application

No. 2002/0038223 to Niitsuma et al.

a. As per claim 4, Landress et al teaches the claimed invention as described above.

However, Landress et al fails to teach a Personal Greeting Information page having data fields for the specification of personal greeting information.

Niitsuma et al teaches an apparatus, method and program for creating information to be provided. Furthermore, Niitsuma et al teaches a Personal Greeting Information page having data fields for the specification of personal greeting information (See page 3, paragraph [0061] and figure 2).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Niitsuma et al in the claimed invention of Landress et al in order to easily create web pages for showing information to be provided (See page 1, paragraph [0011]).



***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,931,591 to Brown et al teaches a publishing layout wizard that facilitates the specification and distribution of templated content materials by a content provider over an information exchange network.

U.S. Patent No. 5,890,175 to Wong et al teaches a computerized method for dynamically generating and displaying a catalog including a plurality of items, each item being classified by at least group information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

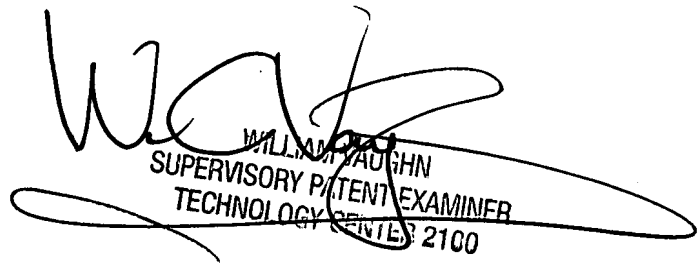
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent examiner

  
WILLIAM J. VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100